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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/097,221	06/12/1998	RICHARD L. BERTRAM	LINAB-48525	2701

7590

12/23/2002

HALL, PRIDDY, MYERS & VANDE SANDE
200-10220 RIVER ROAD
POTOMAC, MD 20854

EXAMINER

NOLAN, SANDRA M

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 12/23/2002

25

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/097,221	BERTRAM	
	Examiner	Art Unit	
	Sandra M. Nolan	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 54-60 is/are allowed.
- 6) ☒ Claim(s) 47-49, 51-53 and 61 is/are rejected.
- 7) ☒ Claim(s) 50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims

1. Pursuant to entry of the amendment in the response dated 15 October 2002 (Paper No. 24), claims 47 through 61 are pending.

Objection Withdrawn

2. The objection to claims 53 and 60 is withdrawn in view of the amendments thereto in Paper No. 24.

Allowable Subject Matter

3. Claims 54-60 are allowed. The prior art of record fails to teach conduits/methods having all of the features recited in these claims.
4. Claim 50 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Rejection Withdrawn

5. The 35 USC 103 rejection of claims 47-49, 52 and 53 as unpatentable over Bertram et al (US 4,792,493) in view of Ranney et al (US 4,015,044) is withdrawn in order to apply the new rejection of claims 47-49 and 51-53 recited below.

New Objection

Specification

6. The amendment filed in Paper No. 24 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no

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amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

- a) deletion of "volumetric" from page 14, last line;
- b) deletion of "isocyanate to resin of" from page 15, line 1; and
- c) addition of "of equivalents of isocyanato groups to equivalents of hydroxyl groups" to page 15, lines 1 and 2.

Changes a-c constitute a shift the description of the ratio of NCO to OH groups from a volumetric amount to one based on weight. The new description is not supported by the application as originally filed.

Applicant is required to cancel the new matter in the reply to this Office Action.

New Rejection

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 51 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The description of the reactive "resin" given in the claim is indefinite. What is the polymer/resin that this claim is intended to cover. Is it made by reacting all of the listed monomers in chloroethane solvent?

Please clarify the claim.

Claim Rejection - 35 USC § 103

10. Claims 47-49, 51-53 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertram in view of Ranney.

The discussion of the Bertram and Ranney teachings and their combination, as set out in section 8 of the 18 July 2002 Office Action (Paper No. 23) is applicable here. It will not be repeated.

Claim 51 was inadvertently omitted from this rejection when it was made in Paper No. 23.

Claim 51 calls for the use of specific reactants/diluents to make a resin that will be used as a reactive when making the claimed conduits. In the absence of convincing objective evidence to the contrary, the use of an acrylic adhesive along with the polyurethane in the conduits/methods suggested by the combination of Bertram and Ranney would be a matter of engineering choice, depending upon the properties desired in the final conduit.

Response to Arguments

11. Applicant's arguments with respect to claims 47-53 and 61 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication should be directed to the Examiner, Sandra M. Nolan, whose telephone number is 703/308-9545. The Examiner can normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

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If attempts to reach the Examiner by telephone are unsuccessful, her supervisor, Harold Pyon, can be reached at 703/308-4251. The general fax number for the art unit is 703/305-5436. The fax number for after final communications is 703/872-9310. The receptionist answers 703/308-0661.



S. M. Nolan
Patent Examiner
Technology Center 1700

SMN/smn
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December 19, 2002